

DISTRIBUTION CENTER/WAREHOUSE  
(TITLE 30)

WESTWIND RD/SUNSET RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-21-0655-HARSCH INVESTMENT PROPERTIES, LLC:**

**HOLDOVER USE PERMIT** to allow unscreened loading spaces.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** allow unscreened loading and service areas with roll-up, overhead doors; **2)** allow less than 10% of the building to be located within 100 feet of the front property line; **3)** alternative driveway geometrics; and **4)** allow a pan driveway.

**DESIGN REVIEWS** for the following: **1)** distribution center and office/warehouse buildings; and **2)** finished grade on 19.4 acres in an M-D (Designed Manufacturing) (AE-60) Zone in the CMA Design Overlay District.

Generally located on the east and west sides of Westwind Road and the south side of Sunset Road within Enterprise. MN/jt/jo (For possible action)

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RELATED INFORMATION:

**APN:**

176-01-102-003; 176-01-102-004; 176-01-102-006; 176-01-102-007; 176-01-102-010; 176-01-102-017; 176-01-102-018; 176-01-110-005; 176-01-110-006

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Allow loading and service areas with roll-up, overhead doors with only landscape screening where a 6 foot high masonry wall and landscape combination is required per Section 30.48.660.
- b. Allow unscreened loading areas with roll-up, overhead doors and areas intended for large semi-truck parking where screening is required per Section 30.60.070.
2. Allow 8% of Building B to be located within 100 feet of the front property line where a minimum of 10% of the building is required to be located within 100 feet of the front property line per Section 30.48.640 (a 20% reduction).
3. a. Reduce the northern Lindell Road driveway departure distance to 137 feet where 190 feet is the minimum per Uniform Standard Drawing 222.1 (a 28% reduction).
- b. Reduce driveway throat depths for Building A to 13 feet where 75 feet is the minimum per Uniform Standard Drawing 222.1 (an 83% reduction).
- c. Reduce driveway throat depths for Building B to 9 feet where 75 feet is the minimum per Uniform Standard Drawing 222.1 (an 88% reduction).
4. Allow pan driveways where commercial curb returns are required per Chapter 30.52.

**DESIGN REVIEWS:**

1. Distribution center and office/warehouse buildings.
2. Increase finished grade to 58 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 61% increase).

**LAND USE PLAN:**

ENTERPRISE - BUSINESS EMPLOYMENT

**BACKGROUND:****Project Description****General Summary**

- Site Address: N/A
- Site Acreage: 19.4
- Project Type: Distribution center and office/warehouse buildings
- Number of Stories: 1
- Building Height (feet): 44
- Square Feet: 261,650
- Parking Required/Provided: 168/326

**Site Plan**

The site plan depicts a distribution center (Building A) on the east side of Westwind Road and an office/warehouse building (Building B) on the west side of Westwind Road. The setback for Building A from the north property line along Sunset Road ranges between 90 feet and 120 feet. Building A is also set back approximately 100 feet from the east property line along Lindell Road, the west property line along Westwind Road, and the south property line. Access to Building A is provided by 2 driveways from Lindell Road and 2 driveways from Westwind Road. Parking spaces are located on the north and south sides of the building, and loading spaces with overhead, roll-up doors are located on the east and west sides of the building. Trash enclosures are located on the 4 corners of the site.

On the west side of Westwind Road, Building B is set back 60 feet from the north property line and 6 feet from the west property line. The southern setback ranges from 30 feet up to 165 feet. The southern portion of Building B is set back 90 feet from the east property line along the Westwind cul-de-sac bulb; however, most of the building is set back approximately 155 feet from Westwind Road. A waiver of development standards is necessary since less than 10% of the building width is less than 100 feet from the front property line.

Access to Building B is provided by 3 driveways from Westwind Road, and the southernmost driveway that accesses the cul-de-sac bulb is a pan style driveway. The pan style driveway requires a waiver of development standards. A separate 35 foot wide drive aisle (also with a pan style driveway) within a 40 foot wide access easement will be provided from the southern part of the Westwind Road cul-de-sac to the existing office/warehouse development to the south and west. This drive aisle provides cross access to the adjacent office/warehouse buildings.

Parking spaces for Building B are located on the north, east, and south sides of the site, and loading spaces with overhead, roll-up doors are located on the east side of the building. A single trash enclosure is located on the east side of the site, set back 20 feet from Westwind Road.

A use permit and a waiver of development standards is necessary to allow the loading spaces for both buildings with overhead, roll-up doors to be visible from the adjacent rights-of-way. Waivers of development standards are also necessary to reduce the throat depth for all the driveways, and to reduce the departure distance for the northern Lindell Road driveway.

### Landscaping

Building A includes a detached sidewalk along Sunset Road, which consists of a 5 foot wide landscape strip, a 5 foot wide sidewalk, and a 15 foot wide landscape strip. A detached sidewalk is also provided along Lindell Road, which includes a 5 foot wide landscape strip, a 5 foot wide sidewalk, and a 10 foot wide landscape strip. The south property line includes a 15 foot wide landscape strip, and the west property line along Westwind Road includes an attached 5 foot wide sidewalk with a 15 foot wide landscape strip. Landscaping is also provided in parking lot landscape fingers and around the base of the building, excluding the areas with overhead, roll-up doors.

Building B includes a 10 foot wide landscape strip along the north property line, a 6 foot wide landscape strip along the west property line, and a landscape strip along the southern property line that ranges in width from 5 feet to 23 feet. Adjacent to the east property line along Westwind Road, landscaping includes an attached 5 foot wide sidewalk and a 15 foot wide landscape strip. A 7 foot wide landscape strip is provided adjacent to the 35 foot wide access drive aisle, which extends south of the Westwind Road cul-de-sac. Landscaping is also provided in parking lot landscape fingers and around the base of the building, excluding the areas with overhead, roll-up doors.

Tree types include a variety of trees, shrubs, and groundcover. However, the plans include Mondell Pine trees, which are no longer recommended by the recently updated Southern Nevada Regional Planning Coalition (SNRPC) Regional Plant List. The tree and plant types will need to be updated during the building permit process to comply with the SNRPC Regional Plant List.

### Elevations

Building A includes concrete tilt-up panels with cornice treatment along the top of the parapet walls. Most of the building is 42 feet tall; however, the areas over the office entryways extend up to 44 feet to help break-up the linear roofline. Other exterior materials include aluminum storefront window systems, overhead roll-up doors, horizontal steel accent beams, and steel canopies over entries.

Building B includes the same materials and design as Building A, except at a lower height. Most of Building B is 35 feet tall; however, parapet walls along the roofline alternate up to 37 feet high.

### Floor Plan

Building A is 188,960 square feet, and Building B is 72,690 square feet. Both buildings include open warehouse space with areas designated for future accessory office uses.

### Signage

Signage is not a part of this request.

### Applicant's Justification

According to the applicant, the development will provide multiple tenant industrial lease space for a variety of warehousing and manufacturing activities. Target tenants will include smaller spaces up to mid-sized light industrial type activities.

The applicant states that the use permit, waivers of development standards, and design reviews are appropriate for this development. For example, both the use permit and waiver of development standards for unscreened overhead, roll-up doors without a masonry screen wall are appropriate since the overhead, roll-up doors only face Westwind Road and Lindell Road, both of which are adjacent to office/warehouse developments. Furthermore, extensive landscaping will be provided along the street frontages and the loading areas will only be unscreened at the driveway entrances. Similarly, the extensive street landscaping will provide a visual buffer for Building B since the minimum building width is not within the maximum 100 foot front setback. The applicant indicates that moving the building closer will result in tight turns around the corners of the building for fire access.

Regarding the reduced departure distance for the northern driveway on Lindell Road, this waiver of development standards is necessary to align the driveway with an existing driveway on the east side of Lindell Road. The applicant also indicates that the waivers of development standards for reduced throat depths will not create stacking of vehicles into the right-of-way since the driveways all enter near loading spaces and not near parking spaces. This will provide additional area for vehicles to maneuver on-site without impacting traffic flow in the right-of-way. Lastly, the southern driveways from the Westwind Road cul-de-sac into the parking lot for Building B and the access drive aisle will need to be commercial pan style driveways rather than the standard curb return driveways due to their proximity to each other.

Finally, preliminary grading indicates that the finished grade may need to be increased up to 58 inches around Building A. Grading may also include cuts up to 4 feet deep at the back of Building B. These grading changes are necessary to level the site for the proposed buildings.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VS-21-0509	Vacated and abandoned easements	Approved by PC	November 2021
ZC-20-0105	Reclassified a portion of the site west of Westwind Road to M-D zoning for a future industrial development	Approved by BCC	April 2020

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-20-0068	Reclassified the portion of the site east of Westwind Road to M-D zoning for a distribution center	Approved by BCC	April 2020
VS-20-0069	Vacated and abandoned easements	Approved by BCC	April 2020
WS-0674-14	Office/warehouse building west of the site with a portion of the parking lot on the portion of the subject site located west of Westwind Road	Approved by BCC	September 2014
ZC-1165-07	Reclassified a portion of the site and parcels to the west from R-E to C-2 and M-D zoning for a future development	Approved by BCC	November 2007

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Neighborhood Commercial	R-E	Undeveloped
South & West	Business Employment	M-D	Office/warehouses
East	Business Employment	M-D	Distribution center

The subject site and surrounding parcels to the east, west, and south are in the Public Facilities Needs Assessment (PFNA) area.

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
DR-21-0708	A design review for parking lot modifications and alternative parking lot landscaping is a companion item on this agenda.
WC-21-400180 (WS-0674-14)	A waiver of conditions of a waiver of development standards application is a companion item on this agenda.

### **STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

#### **Analysis**

##### **Current Planning**

##### Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

##### Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the

property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

#### Use Permit & Waivers of Development Standards #1a, #1b, & #2

Staff does not anticipate any negative visual impacts from the unscreened overhead, roll-up doors, the lack of a 6 foot masonry wall to screen the overhead, roll-up doors, or the increased setback for Building B. Street landscaping buffers are 15 feet wide along Westwind Road and 20 feet wide along Lindell Road. Also, along the perimeter site, the overhead, roll-up doors and loading areas are only unscreened within the driveways. Otherwise, the perimeter landscaping will provide a visual buffer. Furthermore, the site is adjacent to other distribution centers and office/warehouse developments, which will not be negatively impacted by the portions of the site with unscreened loading areas. Finally, a maximum setback for a portion of the buildings is intended to visually strengthen the streetscape within the CMA Design Overlay District. Nevertheless, the increased landscaping and portions of Building B within the 100 foot maximum setback will satisfy the intended purpose of this design requirement. However, since Public Works cannot support the waivers of development standards for departure distance, throat depth, and pan style driveways, staff cannot support the use permit and waivers of development standards #1a, #1b, and #2.

#### Design Review #1

The proposed distribution center and office/warehouse building comply with goals and policies of the Master Plan. For example, Goal 5.5 encourages a business friendly environment, and Policy 5.5.1 encourages the development of industrial and employment uses in areas that are proximate to highway facilities. Here, the site will include convenient access to the CC 215. Furthermore, Goal EN-5 encourages the protection of industrial and employment areas in Enterprise, and Policy EN-5.2 encourages light industrial and employment development to establish along the CC 215. Finally, Policy 6.2.1 encourages context sensitive design by ensuring that new development is compatible with existing uses in terms of height, scale, and overall mix of uses. Here, the proposed buildings are similar in height, scale, design, and anticipated uses to the adjacent office/warehouse buildings in the area. However, since Public Works cannot support the waivers of development standards for departure distance, throat depth, and pan style driveways, staff cannot support design review #1.

#### **Public Works - Development Review**

##### Waiver of Development Standards #3a

Staff cannot support the reduction in the departure distance for the northern driveway on Lindell Road. The proximity of the northern driveway to Sunset Road, coupled with the reduced throat depth requested with waiver of development standards #3b, poses a danger for traffic on both Sunset Road, a major arterial street, and Lindell Road, a collector street. Drivers going south on Lindell Road from Sunset Road will not have enough reaction time to safely stop when vehicles are using the driveway. A site redesign would allow for the departure distance to be met.

#### Waiver of Development Standards #3b & #3c

Staff finds the requests to reduce the throat depth on all 5 driveways on Westwind Road and both driveways on Lindell Road to be excessive. Cars and trucks will share all of the driveways and, with loading docks directly opposite each driveway, the likelihood is that vehicles will be stacking in the right-of-way causing potential collisions. A site redesign would allow for the commercial driveways to meet the minimum throat depth standards for better circulation and separation between trucks and cars. Therefore, staff cannot support this request.

#### Waiver of Development Standards #4

Staff cannot support the requests to construct 2 new pan driveways at the end of the cul-de-sac on Westwind Road. The requests are purely self-imposed hardships that can easily be rectified with minor design changes to the southern portion of the site.

#### Design Review #2

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval. However, since staff does not support the other portions of this application, staff cannot support this request.

#### **Department of Aviation**

The development will penetrate the 100:1 notification airspace surface for LAS International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

#### **Staff Recommendation**

Denial.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

#### **PRELIMINARY STAFF CONDITIONS:**

##### **Current Planning**

If approved:

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for

conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

### **Public Works - Development Review**

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 55 feet to back of curb Sunset Road, 30 feet for Westwind Road, 35 feet to back of curb Lindell Road, and associated spandrels;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way, or the dedication of right-of-way to the back of curb, and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way; and that that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

### **Department of Aviation**

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace



determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

**Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0468-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - denial.

**APPROVALS:**

**PROTESTS:**

**COUNTY COMMISSION ACTION:** February 2, 2022 – HELD – To 02/16/22 – per the applicant.

**COUNTY COMMISSION ACTION:** February 16, 2022 – HELD – To 03/02/22 – per the applicant.

**COUNTY COMMISSION ACTION:** March 2, 2022 – HELD – To 03/16/22 – per the applicant.

**COUNTY COMMISSION ACTION:** March 16, 2022 – HELD – To 04/06/22 – per the applicant.

**COUNTY COMMISSION ACTION:** April 6, 2022 – HELD – To 04/20/22 – per Commissioner Naft.

**COUNTY COMMISSION ACTION:** April 20, 2022 – HELD – To 05/18/22 – per the applicant.

**APPLICANT:** VLMK

**CONTACT:** JENNIFER KIMURA, 3933 SW KELLY AVENUE, PORTLAND, OR 97239